発信人 日本国特許庁(国際調査機関)

出願人代理人 河宮 治			WIPO PCT						
あて名 〒 540-0001 日本国大阪府大阪市中央区城見1 IMPビル	丁目3番7号	PCT 国際調査機関の見解書 (法施行規則第40条の2) [PCT規則43の2.1]							
		(日.月.年)	01. 3. 2005						
出願人又は代理人 の 費類記号 664858		今後の手続きにつ	ついては、下記2を参照すること。						
国際出願番号 PCT/JP2004/017007	国際出願日 (日.月.年) 16.1	優先日 11.2004 (日.月.年) 17.11.2003							
国際特許分類 (IPC) Int. Cl' G02F7/00,	国際特許分類 (IPC) Int. Cl' G02F7/00, G02F3/00, G02F2/02								
出願人 (氏名又は名称) 財団法人大阪産業振興機構									
			· · · · · · · · · · · · · · · · · · ·						
1. この見解書は次の内容を含む。 X 第 I 概 見解の基礎 第 I 概 優先権									
□ 第Ⅲ欄 新規性、進歩性又は産業上の利用可能性についての見解の不作成 ※ 第Ⅳ欄 発明の単一性の欠如									
▼ 第V欄 PCT規則43の2.1(a)(i)に規定する新規性、進歩性又は産業上の利用可能性についての見解、 それを裏付けるための文献及び説明									
第VI欄 ある種の引用文献									
第VII概 国際出願の不									
第四欄 国際出願に対	する意見								

2. 今後の手続き

国際予備審査の請求がされた場合は、出願人がこの国際調査機関とは異なる国際予備審査機関を選択し、かつ、その国際予備審査機関がPCT規則66.1の2(b)の規定に基づいて国際調査機関の見解書を国際予備審査機関の見解書とみなさない旨を国際事務局に通知していた場合を除いて、この見解書は国際予備審査機関の最初の見解書とみなされる。

この見解書が上記のように国際予備審査機関の見解書とみなされる場合、様式PCT/ISA/220を送付した日から3月又は優先日から22月のうちいずれか遅く満了する期限が経過するまでに、出願人は国際予備審査機関に、適当な場合は補正書とともに、答弁書を提出することができる。

さらなる選択肢は、様式PCT/ISA/220を参照すること。

3. さらなる詳細は、様式PCT/ISA/220の備考を参照すること。

見解書を作成した日 09.02.2005			
名称及びあて先 日本国特許庁 (ISA/JP)	特許庁審査官(権限のある職員) 佐藤 宙子	2 X	3314
野便番号100-8915 東京都千代田区霞が関三丁目4番3号	電話番号 03-3581-1101 内	9線 3	293

第 I 柳 見解の基礎	·								
1. この見解書は、下記に示す場合を除くほか、国際出願の言語を基礎として作成された。									
この見解書は、 語による翻訳文を基礎として作成した。 それは国際調査のために提出されたPCT規則12.3及び23.1(b)にいう翻訳文の言語である。									
	2. この国際出願で開示されかつ請求の範囲に係る発明に不可欠なヌクレオチド又はアミノ酸配列に関して、 以下に基づき見解書を作成した。								
a. タイプ	□ 配列表								
	配列表に関連するテーブル								
b. フォーマット									
	コンピュータ読み取り可能な形式								
c. 提出時期	出願時の国際出願に含まれる								
	この国際出願と共にコンピュータ読み取り可能な形式により提出された								
	出願後に、調査のために、この国際調査機関に提出された								
	表又は配列表に関連するテーブルを提出した場合に、出願後に提出した配列若しくは追加して提出し 時に提出した配列と同一である旨、又は、出願時の開示を超える事項を含まない旨の陳述書の提出が								
4. 補足意見:									
-									
	•								

第IV相	第一発明の単一性の欠如
1. 追	自加手数料納付の求め(様式PCT/ISA/206)に対して、出願人は、
[>	追加手数料を納付した。
֓֞֓֞֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֡֓֓֡֡֡֓֓֓֡֟֓֓֡֡֡֡֓֓֡֡֡֡֡֓֓֡֡֡֡֓	追加手数料の納付と共に異議を申立てた。
	〕 追加手数料の納付はなかった。
2.] 国際調査機関は、発明の単一性の要件を満たしていないと判断したが、追加手数料の納付を出願人に求めないこと とした。
3. 国	際調査機関は、PCT規則13.1、13.2及び13.3に規定する発明の単一性を次のように判断する。
] 満足する。
×] 以下の理由により満足しない。
	請求の範囲1-3,8-13,18-20,61-63の「特別な技術的特徴」は例えば文献JP2001-117125 A(富士通株式会社)2001.04.27,図4、【0070】(ファミリーなし)に記載され公知であり、請求の範囲64,65,67の「特別な技術的特徴」は例えば文献JP2003-75787 A(独立行政法人通信総合研究所)2003.03.12,【0052】(ファミリーなし)、JP11-231361 A(沖電気工業株式会社)1999.08.27,【0035】(ファミリーなし)に記載され公知であり、前記請求の範囲に記載の事項を先行技術に対して貢献する技術的特徴と認めることはできない。
	請求の範囲4-7,14-17,21-46の「特別な技術的特徴」は「光強度に関する入出力特性が互いに異なる周期性をそれぞれ有する光非線形素子を備えた複数の光符号化器を用いて、第1の波長を有する信号光のパルス列を、上記第1の波長とは異なる第2の波長を有しかつ光標本化された光アナログ信号のパルス列である制御光に従って光符号化」する事項に関し、請求の範囲47-60,66,68,69の「特別な技術的特徴」は「位相シフトの差が2nπ (nは1以上の整数である。)となるときの上記出力光信号のパワーが、それぞれの最大値に対する割合が所定のしきい値以下となるように、それぞれの光信号と上記制御光信号の間で発生するパラメトリック利得を抑制することを特徴とする非線形光ループミラー」に関するものであると認められる。これら関係にないから、単一の一般的発明概念を形成するように連関しているものとは認められない。
	したがって、国際出願の次の部分について、この見解書を作成した 。 すべての部分
	請求の範囲

国際調査機関の見解書

第V欄 新規性、進歩性又は産業上の利用可能性についてのPCT規則43の2.1(a)(i)に定める見解、 それを返付る文献及び説明

1. 見解

 新規性(N)
 請求の範囲
 4-7,9,10,14-17、19-69
 有

 前求の範囲
 1-3,8,11-13、18
 無

 進歩性(IS)
 請求の範囲
 1-69
 無

 産業上の利用可能性(IA)
 請求の範囲
 1-69
 有

 請求の範囲
 1-69
 無

2. 文献及び説明

文献1: JP 2001-117125 A (富士通株式会社) 2001.04. 27, 図4、【0070】 (ファミリーなし)

文献 2: JP 2003-75787 A(独立行政法人通信総合研究所) 200 3.03.12, 【0052】 (ファミリーなし)

文献3: JP 11-231361 A (沖電気工業株式会社) 1999.08.27, 【0035】 (ファミリーなし)

文献 4: JEONG JM, MARHIC ME, ALL-OPTICAL ANALOG-TO-DIGITAL AND DIGITAL-TO-ANALOG CONVERSION IMPLEMENTED BY A NONLINEAR FIBER INTERFEROMETER, OPTICS COMMUNICATIONS, 1992.07.01, Vol.91, pages 115-122

請求の範囲1-3, 8, 11-13、18に記載された発明は、国際調査報告で引用された文献1から新規性を有さない。請求の範囲1-3, 8, 11-13、18に記載された発明は、文献1に開示されている。

請求の範囲 9, 10、19, 20, 61-63 に記載された発明は、国際調査報告で引用された文献 1 より進歩性を有しない。文献 1 の発明より請求の範囲 9, 1 0、19, 20, 61-63 に記載された発明とすることは、当業者にとって容易である。

請求の範囲64に記載された発明は、国際調査報告で引用された文献2,3から新規性を有さない。請求の範囲64に記載された発明は、文献2,3に開示されている。

請求の範囲 65, 67に記載された発明は、国際調査報告で引用された文献 1 及び文献 2, 3 より進歩性を有しない。文献 1 の発明において、引用文献 2, 3 に記載のように位相シフトの差を 2π とすることは、当業者にとって容易である。

補充概

いずれかの欄の大きさが足りない場合

第 V 棡の続き

請求の範囲4-10, 14-20に記載された発明は、国際調査報告で引用された文献 4 より進歩性を有しない。文献 4 に記載の全光アナログデジタル変換器より請求の範囲4-10, 14-20に記載された発明とすることは、当業者にとって容易である。

請求の範囲21-46に記載された発明は、国際調査報告で引用された文献1及び文献4より進歩性を有しない。文献4に記載の全光アナログデジタル変換器に文献1に記載の波形整形器を採用することは、当業者にとって容易である。

請求の範囲 47-69 に記載された発明は、国際調査報告で引用された文献 4 より進歩性を有しない。文献 4 に記載の全光アナログデジタル変換器において、デジタル信号として処理するために、位相シフトの差が $2n\pi$ となるときのパラメトリック利得を抑制して 0 として処理することは、当業者にとって容易である。

PATENT COOPERATION TREATY

TRANSLATION INTERNATIONAL SEARCHING AUTHORITY WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1) Date of mailing (day/month/year) Applicant's or agent's file reference FOR FURTHER ACTION 664858 See paragraph 2 below International application No. International filing date (day/month/year) Priority date (day/month/year) PCT/JP2004/017007 16.11.2004 17.11.2003 International Patent Classification (IPC) or both national classification and IPC Applicant JURIDICAL FOUNDATION OSAKA INDUSTRIAL PROMOTION ORGANIZATION This opinion contains indications relating to the following items: Box No. I Basis of the opinion Box No. II Priority Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability Box No. IV Lack of unity of invention Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial Box No. V applicability; citations and explanations supporting such statement Box No. VI Certain documents cited Box No. VII Certain defects in the international application Box No. VIII Certain observations on the international application FURTHER ACTION If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered. If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later. For further options, see Form PCT/ISA/220. For further details, see notes to Form PCT/ISA/220. Name and mailing address of the ISA/JP Authorized officer Facsimile No. Telephone No.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2004/017007

With regard to the language: this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this feen. This opinion has been established on the basis of a translation from the original language into the following language which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1th)). With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of: a. type of material a sequence listing table(s) related to the sequence listing b. format of material in written format in computer readable form c. time of filing/furnishing contained in the international application as filed, filed together with the international application in computer readable form. furnished subsequently to this Authority for the purposes of search. In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or forces in the case that more than the information in the subsequence or additional copies is identical to that in the application as filed, as appropriate, were furnished. 4. Additional comments:	Box	No. I Basis of this opinion	
. which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(h)). 2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of: a. type of material a sequence listing table(s) related to the sequence listing b. format of material in written format in computer readable form c. time of filing/furnishing contained in the international application as filed. filed together with the international application in computer readable form. furnished subsequently to this Authority for the purposes of search. In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.	Ī.	With regard to the language, this opinion has been established on the basis of the international application in the language in which it filed, unless otherwise indicated under this item.	l was
Rule 12.3 and 23.1(h)). 2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of: a. type of material a sequence listing table(s) related to the sequence listing b. format of material in written format in computer readable form c. time of filing/furnishing contained in the international application as filed. filed together with the international application in computer readable form. furnished subsequently to this Authority for the purposes of search. 3. In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.			nder
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furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.		furnished subsequently to this Authority for the purposes of search.	
4. Additional comments:	3.	furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application	ed or on as
	4.	Additional comments:	
	1		
	ļ.		
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WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2004/017007

Bo	No. IV	Lack of unity of invention
1.	N I	n response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has:
	0	paid additional fees
	Ī	paid additional fees under protest
	Ī	not paid additional fees
2.		. This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay dditional fees.
3.	This A	uthority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is
		omplied with
		ot complied with for the following reasons:
	((((((The "special technical feature" of claims 1-3, 8-13, 18-20, and 61-63 is described in, for example, document JP 2001-117125 A (Fujitsu Ltd), 27 April 2001, Fig. 4, paragraph 0070 (Family: none) and is therefore publicly known. The "special technical feature" of claims 64, 65, and 67 is described in, for example, documents JP 2003-75787 A Communications Research Laboratory), 12 March 2003, paragraph 0052 (Family: none) and JP 11-231361 A (Oki Electric Industrial Co Ltd), 27 August 1999, paragraph 0035 (Family: none) and is therefore publicly known. Therefore, this examination does not find that the matter described in these claims constitutes a special technical feature which contributes to the prior art.
	1 i i i i i i i i i i i i i i i i i i i	This examination finds that the "special technical feature" of claims 4-7, 14-17, and 21-16 relates to matter about "a plurality of optical encoders provided with an optical non-inear element having a periodicity different in I/O characteristics associated with light intensity, so as to optically encode a signal light pulse string having a first wavelength according to control light as a pulse string of an optical analog signal having a second wavelength different from the first wavelength and optically sampled," and that the special technical feature" of claims 47-60, 66, 68, and 69 relates to "a non-linear light coop mirror for suppressing parametric gain generated between the light signal and the control light signal, such that the ratio of the maximum value of the power of the output ignal light when the difference in the phase shift is $2n\pi$ (n being an integer equal to or greater than 1) is no greater than a prescribed threshold value. As these inventions are not in a technical relationship including one or more identical or corresponding special echnical features, this examination does not find that they are so linked as to form a ingle general inventive concept.
4.	⊠ a	uently, this opinion has been established in respect of the following parts of the international application: Il parts ne parts relating to claims Nos.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2004/017007

Box	No. V	Reasoned stateme citations and expla					to novelty, i	nventive s	ep or indus	trial applicability;	
1.	Statement										
1	Novelty	(N)	Claims	4-7,	9,	10,	14-17	, 19-	-69		YES
			Claims	1-3,	8,	11-	13, 18				NO
	Inventive	e step (IS)	Claims								YES
			Claims	1-69					· -		NO
	Industria	al applicability (IA)	Claims	1-69							YES
			Claims								NO

2. Citations and explanations:

Document 1: JP 2001-117125 A (Fujitsu Ltd), 27 April 2001, Fig. 4, paragraph 0070 (Family: none)

Document 2: JP 2003-75787 A (Communications Research Laboratory), 12 March 2003, paragraph 0052 (Family: none)

Document 3: JP 11-231361 A (Oki Electric Industrial Co Ltd), 27 August 1999, paragraph 0035 (Family: none)

Document 4: J.M. JEONG, M.E. MARHIC, All-Optical Analog-to-Digital and Digital-to-Analog Conversion Implemented by a Nonlinear Fiber Interferometer, Optics Communications, 01 July 1992, Vol. 91, pages 115-122

The inventions described in claims 1-3, 8, 11-13, and 18 do not appear to possess novelty over document 1 cited in the ISR. The inventions described in claims 1-3, 8, 11-13, and 18 are disclosed in document 1.

The inventions described in claims 9, 10, 19, 20, and 61-63 do not appear to involve an inventive step over document 1 cited in the ISR. It would be easy for a person skilled in the art to conceive of the inventions described in claims 9, 10, 19, 20, and 61-63.

The invention described in claim 64 does not appear to possess novelty over documents 2 and 3 cited in the ISR. The invention described in claim 64 is disclosed in documents 2 and 3.

The inventions described in claims 65 and 67 do not appear to involve an inventive step over document 1 cited in the ISR and documents 2 and 3. It would be easy for a person skilled in the art to make the difference in the phase shift 2π as described in documents 2 and 3 in the invention of document 1.

The inventions described in claims 4-10 and 14-20 do not appear to involve an inventive step over document 4 cited in the ISR. It would be easy for a person skilled in the art to conceive of the invention described in claims 4-10 and 14-20 based on the all-optical analog-to-digital converter described in document 4.